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March 31, 2004

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March 31, 2004 — Date
Michael R. Krawzsenek

MS DD
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/677,727 entitled "DIMINISHING VIRAL GENE EXPRESSION BY PROMOTER REPLACEMENT" – Bingliang Fang and Jack Roth*
Our reference: INRP:033USC2

Sir:

Enclosed for filing in the above-referenced patent application is an Information Disclosure Statement, and Form PTO-1449.

No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/INRP:033USC2.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

Michael R. Krawzsenek
Reg. No. 51,898

MRK/kmv
Encl.: as noted

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Bingliang Fang
Jack Roth

Serial No.: 10/677,727

Filed: October 2, 2003

For: DIMINISHING VIRAL GENE EXPRESSION BY PROMOTER REPLACEMENT

Group Art Unit: 1631

Examiner: Unknown

Atty. Dkt. No.: INRP:033USC2

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March 31, 2004 — Michael R. Krawzsenek
Date — Michael R. Krawzsenek

INFORMATION DISCLOSURE STATEMENT

MS DD
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/INRP:033USC2.

This application is a continuation application of Serial No. 09/650,946, filed August 29, 2000 which is a continuation of Serial No. 08/968,014 filed November 12, 1997 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) copies of the listed documents are not enclosed as they have been previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. 09/650,946.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,

Michael R. Krawzsenek
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Attorney for Applicants

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Date: March 31, 2004

Form PTO-1449 (modified)	Atty. Docket No. INGN:033USC2	Serial No. 10/677,727
List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Applicant Bingliang Fang Jack Roth	
	Filing Date: October 2, 2003	Group: 1631

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U.S. Patent Documents	Foreign Patent Documents	Other Art
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U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A1	5,527,676	06/18/96	Vogelstein *et al.*	435	6	03/22/93
	A2	5,998,205	12/07/99	Hallenbeck *et al.*	435	325	11/28/95
	A3	6,306,652	10/23/01	Fallaux *et al.*	435	325	7/15/99

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	WO 96/17053	06/06/96	PCT			
	B2	FR 2729674	07/26/96	France			Yes

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

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	C1	Abel *et al.*, "DNA elements responsive to auxin," (Review), *Bioessays*, 18(8):647-54, Aug. 1996.
	C2	Abel *et al.*, "The PS-IAA4/5-like family of early auxin-inducible mRNAs in Arabidopsis thaliana," *J. Mol. Biol.*, 251(4):533-49, Aug 1995.
	C3	Adler *et al.*, "UV irradiation and heat shock mediate JNK activation *via* alternate pathways," *J. Biol.. Chem.*, 270(44):26071-26077, 1995.
	C4	Ali-Osman *et al.*, "Enhanced repair of a cisplatin-damaged reporter chloramphenicol-O-acetyltransferase gene and altered activities of DNA polymerases α and β, and DNA ligase in cells of a human malignant glioma following *in vivo* cisplatin therapy," *J. Cell. Biochem.*, 54:11-19, 1994.
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	C73	Berkner, "Development of adenovirus vectors for the expression of heterologous genes," *Biotechniques*, 6:616-629, 1988.
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	C9	Bigner *et al.*, "Cyogenetics of human brain tumors," *Cancer Genet Cytogenet*, 47:141-154, 1990.
	C10	Bigner *et al.*, "Heterogeneity of genotypic and phenotypic characteristics of fifteen permanent cell lines derived from human gliomas," *J. Neuropathol. & Experimental Neurol.*, XL(3):201-229, May/June 1981.
	C11	Brand and Perrimon, "Targeted gene expression as a means of altering cell fates and generating dominant phenotypes," *Development,* 118:401-415, 1993.
	C12	Braselmann *et al.*, "A selective transcription induction system for mammalian cells based on Gal4-estrogen receptor fusion proteins," *Proc. Natl. Acad. Sci. USA*, 90:1657-1661, March 1993.
	C13	Clarke *et al.*, "Thymocyte apoptosis induced by p53-dependent and independent pathways," *Nature*, 362:849-852, Apr 1993.
	C14	Di Leonardo *et al.*, "DNA damage triggers a prolonged p53-dependent G_1 arrest and long-term induction of Cip1 in normal human fibroblasts," *Genes & Dev.*, 8:2540-2551, 1994.
	C15	Donehower *et al.*, "Deficiency of *p53* accelerates mammary tumorigenesis in *Wnt-1* transgenic mice and promotes chromosomal instability," *Genes and Development*, 9:882-895, 1995.
	C16	El-Deiry *et al.*, "*WAF1*, a potential mediator of p53 tumor suppression," *Cell*, 75:817-825, Nov 1993.
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	C27	Hayashi *et al.*, "Expression of a thyroid hormone-responsive recombinant gene introduced into adult mice livers by replication defective adenovirus can be regulated by endogenous thyroid hormone receptor," *Journal of Biological Chemistry*, 269:23872-23875, 1994.
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	C29	Izumoto *et al.*, "Homozygous deletions of $p16^{INK4A}$/MTS1 and $p15^{INK4B}$/MTS2 genes in glioma cells and primary glioma tissues," *Cancer Letters*, 97:241-247, 1995.
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	C31	Kaden *et al.*, "High frequency of large spontaneous deletions of DNA in tumor-derived CHEF cells," *Proc. Natl. Acad. Sci. USA*, 86:2306-2310, Apr 1989.
	C32	Kamb, "Cell-cycle regulators and cancer," *TIG*, 11(4):136-140, Apr 1995.
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	C34	Kashani-Sabet *et al.*, "Differential oncogene amplification in tumor cells from a patient treated with cisplatin and 5-fluorouracil," *Eur. J. Cancer*, 26(3):383-390, 1990.
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	C37	Lane, "p53, guardian of the genome," *Nature*, 358:15-16, Jul 1992.
	C38	Lee *et al.*, "Molecular basis of tumor suppression by the human retinoblastoma gene," *J. Cell. Biochem.*, UCLA Symposia on Molecular & Cellular Biology, Abstract I001, Feb-Mar 1990.
	C39	Levine *et al.*, "The p53 growth suppressor gene," *J. Cell. Biochem.*, UCLA Symposia on Molecular & Cellular Biology, Abstract, I029, Feb-Mar 1990.
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	C41	Liu *et al.*, "Cleavage of DNA by mammalian DNA topoisomerase II," *J. Biol. Chem.*, 258(24):15365-15370, Dec 1983.
	C42	Lotem and Sachs, "Hematopoietic cells from mice deficient in wild-type p53 are more resistant to induction of apoptosis by some agents," *Blood*, 82(4):1092-1096, Aug 1993.

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	C45	Lukas *et al.*, "Retinoblastoma-protein-dependent cell-cycle inhibition by the tumour suppressor p16," *Nature*, 375:503-506, Jun 1995
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	C53	Nishikawa *et al.*, "Loss of $p16^{INK4}$ expression is frequent in high grade gliomas," *Cancer Research*, 55:1941-1945, May 1995.
	C54	Noble *et al.*, "Effects of exogenous wild-type p53 on a human lung carcinoma cell line with endogenous wild-type p53," *Experimental Cell Research*, 203:297-304, 1992.
	C55	Ornitz *et al.*, "Binary system for regulating transgene expression in mice: targeting *int-2* gene expression with yeast *GAL4/UAS* control elements," *Proc. Natl. Acad. Sci. USA*, 88:698-702, Feb 1991.

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	C56	Oshita and Saijo, "Rapid polymerase chain reaction assay to detect variation in the extent of gene-specific damage between cisplatin- or VP-16p-resistant and sensitive lung cancer cell lines," *Jpn. J. Cancer Res.*, 85:669-673, Jul 1994
	C57	Rogel *et al.*, "p53 cellular tumor antigen: analysis of mRNA levels in normal adult tissues, embryos, and tumors," *Mol. and Cell. Biol.*, 5(10):2851-2855, Oct 1985.
	C58	Sadowski *et al.*, "*GAL4* fusion vectors for expression in yeast or mammalian cells," *Gene,* 11:137-141, 1992.
	C59	Sadowski *et al.*, "GAL4-VP16 is an unusually potent transcriptional activator," *Nature*, 335:563-564, Oct 1988.
	C60	Scanlon *et al.*, "Cisplatin resistance in human cancers," *Pharmac. Ther.*, 52:385-406, 1991.
	C61	Scanlon *et al.*, "Molecular basis of cisplatin resistance in human carcinomas: model systems and patients," *Anticancer Research*, 9:1301-1312, 1989.
	C62	Scanlon *et al.*, "Overexpression of DNA replication and repair enzymes in cisplatin-resistant human colon carcinoma HCT8 cells and circumvention by azidothymidine," *Cancer Communications*, 1(4):269-275, 1989.
	C63	Shaw *et al.*, "Induction of apoptosis by wild-type p53 in a human colon tumor-derived cell line," *Proc. Natl. Acad. Sci. USA*, 89:4495-4499, May 1992.
	C64	Tlsty, "Normal diploid human and rodent cells lack a detectable frequency of gene amplification," *Proc. Natl. Acad. Sci. USA*, 87:3132-3135, Apr 1990.
	C65	Vaessen *et al.*, "Different adenoviurs E1A-controlled properties of transformed cells require different levels of E1A expression," *Gene*, 54:247-254, 1987.
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	C67	Vincent *et al.*, "Gene therapy for malignant brain tumors," *Cancer Gene Therapy*, 1(4), Abstract V-80, Nov 1994.
	C68	Vogelstein *et al.*, "Genetic alterations accumulate during colorectal tumorigenesis," *J. Cell. Biochem.*, UCLA Symposia on Molecular & Cellular Biology, Abstract I004, Feb-Mar 1990.
	C69	Wahl *et al.*, "Loss of normal p53 function confers sensitization to Taxol by increasing G2/M arrest and apoptosis," *Nature Medicine*, 2(1):72-79, Jan 1996.

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	C72	Wills *et al.*, "Development and characterization of recombinant adenoviruses encoding human p53 for gene therapy of cancer," *Human Gene Therapy*, 5:1079-1088, 1994.
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	C72	Yeh *et al.*, "Efficient dual transcomplementation of adenovirus E1 and E4 regions from a 293-derived cell line expressing a minimal E4 functional unit," *J Virol.*, 70(1):559-565, 1996.
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